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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,695	07/09/2003	Yoshihiro Nakami	MIPFP040	1595
25920	7590	06/10/2008	EXAMINER	
MARTINE PENILLA & GENCARELLA, LLP			LEE, TOMMY D	
710 LAKEWAY DRIVE			ART UNIT	PAPER NUMBER
SUITE 200			2625	
SUNNYVALE, CA 94085				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/616,695	<b>Applicant(s)</b> NAKAMI, YOSHIHIRO
	<b>Examiner</b> Thomas D. Lee	<b>Art Unit</b> 2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 April 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 14-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 14,15,17,19 and 20 is/are rejected.

7) Claim(s) 16 and 18 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1668)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 14, 2008 has been entered.

### ***Response to Amendment***

2. This Office action is responsive to Applicant's AMENDMENT, filed April 14, 2008. Claims 14-20 are pending.

### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 14, 15, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Publication 2002/00087771 (Uchino et al., hereinafter Uchino).

Regarding claims 14 and 15, Uchino discloses an image output apparatus for outputting an image using image data indicative of the image and associated photographing information set at a generation of the image data (digital camera with correcting process determining section for determining an image correcting process in accordance with the metering type uses in capturing the image (Abstract)), wherein the photographing information includes light metering mode information on a light metering

mode (metering types include spot metering and multi-area metering (paragraph 0051)), wherein the image output apparatus comprising: a picture quality adjusting unit that performs a picture quality adjustment on the image, the picture quality adjustment being for which a degree of an adjustment of lightness and contrast of whole image is reduced based on the photographing information if the photographing information indicates that the light metering mode measures part of the image (in spot metering mode, correction section makes image correction so as not to exceed a predetermined degree of contrast in accordance with the result of scene determination (paragraph 0064)); and an outputting unit that outputs an image adjusted by the picture quality adjusting unit (resultant image data transferred to a memory card (paragraph 0050)). The picture quality adjusting unit is configured to perform the picture quality adjustment including the lightness and contrast adjustment with a less degree of adjustment in response to the light metering mode information indicating that the light metering mode measures part of the image than a degree of adjustment in response to the light metering mode information other than the information indicating that the light metering mode measures part of the image (spot metering meters brightness only in a specific area in an image capturing range (paragraph 0006); in spot metering mode, correction section makes image correction so as not to exceed a predetermined degree of contrast in accordance with the result of scene determination (paragraph 0064)).

Regarding claim 19, Uchino discloses an image output method of outputting an image using image data indicative of the image and associated photographing information set at a generation of the image data, wherein the photographing

information includes light metering mode information on a light metering mode (digital camera with correcting process determining section for determining an image correcting process in accordance with the metering type uses in capturing the image (Abstract)), wherein the image output method comprising: performing a picture quality adjustment on the image, the picture quality adjustment being for which a degree of an adjustment of lightness and contrast of whole image is reduced based on the photographing information if the photographing information indicates that the light metering mode measures part of the image (in spot metering mode, correction section makes image correction so as not to exceed a predetermined degree of contrast in accordance with the result of scene determination (paragraph 0064)); and outputting an image adjusted by the picture quality adjusting unit (resultant image data transferred to a memory card (paragraph 0050)).

Regarding claim 20, Uchino discloses a computer program product for causing a computer to output an image using image data indicative of the image and associated photographing information set at a generation of the image data, wherein the photographing information includes light metering mode information on a light metering mode (determining an image correcting process in accordance with the metering type uses in capturing the image (Abstract)), wherein the computer program product comprising: a computer readable medium (recording medium such as an optical disk, magnetic disk, magneto-optic disk or memory card (paragraph 0085)); and a computer program stored on the computer readable medium (software program installed in advance to a computer via recording medium (paragraph 0085)), wherein the computer

program causing the computer to perform function of: performing a picture quality adjustment on the image, the picture quality adjustment being for which a degree of an adjustment of lightness and contrast of whole image is reduced based on the photographing information if the photographing information indicates that the light metering mode measures part of the image (in spot metering mode, correction section makes image correction so as not to exceed a predetermined degree of contrast in accordance with the result of scene determination (paragraph 0064)); and outputting an image adjusted by the picture quality adjusting unit (display (Fig. 14)).

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uchino.

Regarding claim 17, Uchino discloses an image output apparatus, wherein the light metering mode information represents one of a plurality of metering methods including averaged metering, center-weighted metering, spot metering, multi-spot metering, divisional light metering, and partial light metering, and the information indicating that the light metering mode measures part of the image is information indicating spot metering and multi-spot metering (metering type can be switched between spot metering and multi-area metering (paragraph 0051)). While Uchino does not specifically disclose divisional light metering or partial light metering, Uchino states that other metering types may be employed (paragraph 0105). In view of this, one of ordinary skill in the art would have known that any known metering type, including

division light metering and partial light metering, could be used in the image processing method of Uchino. Therefore, it would have been obvious for one of ordinary skill in the art to modify the teaching of Uchino by providing division light metering or partial light metering, or other metering types, so that the image correction may be further optimized for selected areas of a photographed image.

***Allowable Subject Matter***

7. Claims 16 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter: No prior art has been found to disclose or suggest an image output apparatus as recited in base claim 14, "wherein the picture quality adjusting unit is configured to perform the picture quality adjustment without the lightness and contrast adjustment if the photographing information indicates that the light metering mode measures part of the image," as recited in claim 16; or "wherein the picture quality adjusting unit is configured to provide a user interface for allowing a user to adjust the degree of lightness and contrast adjustment if the light metering mode information indicates the center-weighted metering," as recited in claim 18.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (571) 272-7436. The examiner can normally be reached on Monday-Friday, 7:30-5:00, alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas D Lee/  
Primary Examiner, Art Unit 2625